

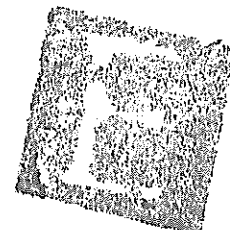


RETURN TO EPA, MTS

V - 00934201 - 0 Page 1

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement		ASSISTANCE ID NO.		DATE OF AWARD 09/26/2007 MAILING DATE 10/03/2007 ACH#	
			PRG	DOC ID		AMEND#
			V -	00934201		- 0
			TYPE OF ACTION New			
PAYMENT METHOD: Advance						
RECIPIENT TYPE: Indian Tribe			Send Payment Request to: Las Vegas Finance Center, Fax (702) 798-2423			
RECIPIENT:			PAYEE:			
Navajo Nation P.O. Box 646 Window Rock, AZ 86515 EIN: 86-0092335			Navajo Nation P.O. Box 646 Window Rock, AZ 86515			
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST		
Cordell Shortey P.O. Box 646 Window Rock, AZ 86515 E-Mail: cshortey.omb@navajo.org Phone: 928-871-6470		Jeff Inglis 75 Hawthorne Street, SFD-9 San Francisco, CA 94105 E-Mail: Inglis.Jeff@epa.gov Phone: 415-972-3095		Fareed Ali Grants Management Office, MTS-7 E-Mail: Ali.Fareed@epa.gov Phone: 415-972-3665		
PROJECT TITLE AND DESCRIPTION SUPERFUND CONSOLIDATED COOPERATIVE AGREEMENT						
This assistance agreement supports Preliminary Assessment/Site Inspection (PA/SI) activities of the Navajo Nation Superfund program which include the following activities: assessment of sites, community involvement, consultation on sites-specific issues, mapping and technical tasks. In addition, funds also support activities of the Navajo Superfund Program that are dedicated to supporting lead removal action at the Northeast Churchrock mine site.						
This assistance agreement provides full federal funding in the amount of \$270,000.						
BUDGET PERIOD 10/01/2007 - 09/30/2008		PROJECT PERIOD 10/01/2007 - 09/30/2008		TOTAL BUDGET PERIOD COST \$270,000.00		
				TOTAL PROJECT PERIOD COST \$270,000.00		
NOTICE OF AWARD Based on your application dated 06/06/2007, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$270,000. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$270,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS			
U.S. EPA, Region 9 Grants Management Office, MTS-7 75 Hawthorne Street San Francisco, CA 94105			U.S. EPA, Region 9 Superfund Division, SFD-1 75 Hawthorne Street San Francisco, CA 94105			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Jane Diamond, Assistant Regional Administrator		DATE 09/26/2007		
AFFIRMATION OF AWARD BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE		TYPED NAME AND TITLE		DATE		
		Joe Shirley, Jr., President		DEC 13 2007		

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V - 00934201 - 0 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 270,000	\$ 270,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 270,000	\$ 270,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Superfund State Political Subdivision and Indian Tribe Site Specific Cooperative Agreements	CERCLA: Sec. 104(d)(1)	40 CFR PTS 31 & 35 SUBPT O

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
NAVAJO	079AK7P049	07	T	9AK0P	302DD2E	4185	09ZZQB00	C088	250,000
NAVAJO	079AK7RS66	07	T	9AK0S	302DC6E	4185	09MZRS00	C001	20,000
									270,000

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$137,745
2. Fringe Benefits	\$44,285
3. Travel	\$23,450
4. Equipment	\$0
5. Supplies	\$5,000
6. Contractual	\$0
7. Construction	\$0
8. Other	\$11,559
9. Total Direct Charges	\$222,039
10. Indirect Costs: 21.60% Base \$222,039	\$47,961
11. Total (Share: Recipient 0.00 % Federal 100.00 %.)	\$270,000
12. Total Approved Assistance Amount	\$270,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$270,000
15. Total EPA Amount Awarded To Date	\$270,000

Administrative Conditions

Administrative Terms and Conditions #1-12 and Programmatic Terms and Conditions #P1-P5 apply.

1. The final FSR covering the entire project period shall be submitted to the U.S. EPA Las Vegas Finance Center, PO Box 98515, Las Vegas, NV 89193-8515, within 90 days after the end of the project period according to the recipient's respective Code of Federal Regulations Part 30.52(a)(1)(iv) and 30.71(a), or Part 31.23(b) and 31.41(b) (as applicable). The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Financial Status Report. Recipients will be notified and instructed by EPA if they must complete any additional forms for the closeout of the assistance agreement.
2. The recipient will provide timely reporting of cash disbursements and balances through annual submission (January - December) of a Federal Cash Transactions Report (SF272 and SF272A). The appropriate reports must be submitted to the Las Vegas Finance Center within 15 working days following the end of each calendar year. The recipient may access these forms and the instructions for submission at <http://www.epa.gov/ocfo/financeservices/payinfo.htm>.
3. The recipient shall comply with the Single Audit Act and the reporting requirements set forth in OMB Circular A-133.
4. The recipient agrees to complete and submit to the Grants Management Office, MTS-7, a MBE/WBE Utilization Report (EPA Form 5700-52A), within 30 days after the end of each Federal fiscal quarter (January 30, April 30, July 30, and October 30) beginning with the recipient's first contract award and continuing each quarter thereafter, until both the recipient and its contractor(s) award their last contract(s). Negative reports are required.
5. The recipient must ensure to the fullest extent possible that at least 8% (6%=MBE/2%=WBE) of Federal funds for prime contracts or subcontracts for supplies, construction, equipment or services are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and historically black colleges and universities.

The recipient agrees to include in its bid documents an 8% (6%=MBE/2%=WBE) "Fair Share" percentage and require all of its prime contractors to include in their bid documents for subcontracts an 8% (6%=MBE/2%=WBE) "Fair Share" percentage.

To evaluate compliance with the "Fair Share" policy, the recipient also agrees to comply with the six affirmative steps stated in 40 CFR Section 30.44(b), Section 31.36(e), or Section 35.6580(a), as appropriate.

6. If a recipient procures equipment, services, supplies, or contracts under an assistance agreement, the recipient agrees and is required to utilize the following six affirmative steps:
 - a. Include qualified Small Business Enterprises (SBEs), Minority Business Enterprises (MBEs), and Women Business Enterprises (WBEs) on solicitation lists;
 - b. Assure that SBEs, MBEs, and WBEs are solicited whenever they are potential sources;
 - c. Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of SBEs, MBEs, and WBEs;
 - d. Establish delivery schedules, where the requirements of the work permit, which will encourage participation by SBEs, MBEs, and WBEs;

e. Use the services and assistance of the Small Business Administration and the Minority Business Development Agency, U.S. Department of Commerce, as appropriate; and

f. If the prime contractor awards contracts/procurements, require the contractor to take the affirmative steps in subparagraphs a. through e. of this condition.

7. The recipient's last approved indirect cost rate has expired September 30, 2006. The recipient will not charge or claim for reimbursement any indirect costs unless a current indirect cost rate proposal covering the time period of the costs being claimed for reimbursement is approved by the Department of Interior (DOI), National Business Center.

8. Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, or in a written statement. The Lobbying and Litigation certification and final Financial Status Report shall be submitted within 90 days after the end of project period.

Recipient shall abide by its respective 2 CFR 220, 225, or 230 (formerly OMB Circular A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective 2 CFR 220, or 230 (formerly OMB Circular A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

9. Pursuant to EPA Order 1000.25 and Executive Order 13101, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to Standard Forms. These forms are printed on recycled paper as available through the General Services Administration.

10. The recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

11. The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html.

12. The recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." The recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. The recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The recipient acknowledges that failing to disclose the

information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at www.epls.gov. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

Programmatic Conditions

P1. In accordance with 40 C.F.R. §31.40, Navajo EPA (the recipient) agrees to submit performance reports that include brief information on each of the following areas: 1) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period; 2) the reasons for slippage if established outputs/outcomes were not met; and 3) additional pertinent information, including, when appropriate, analysis and information of cost overruns or high unit costs.

In accordance with 40 C.F.R. § 31.40 (d), Navajo EPA (the recipient) agrees to inform EPA as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

P2. The U.S. EPA will be substantially involved in overseeing and monitoring this cooperative agreement. Involvement includes, but is not limited to: Providing intense programmatic monitoring by reviewing, commenting, and/or providing prior approval of specific workplan activities and/or project phases and their associated costs; joint collaboration between EPA and the recipient; providing technical assistance in developing curriculum. Specific details are contained in the approved workplan.

P3. The workplans for both PA/SI and SACA as submitted with the application are substantially complete, however, they have not been formally approved by the EPA Project Officer. Agreement by Navajo Nation and EPA must be reached before the workplans can be approved. The goal for completion and approval is October 31, 2007.

All changes in the final work plan activities, including training, deliverables and budgets that are proposed by the recipient will be communicated to EPA via phone, email or fax for consultation and agreement. When agreement is reached the recipient will prepare and send to EPA (via fax and/or letter) a concurrence memo containing the agreed-upon changes for signature and return by EPA.

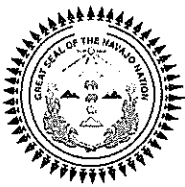
The recipient must revise and submit to the EPA Project Officer an approvable workplan within 45 days of the award of this cooperative agreement. The revised work plan shall include well defined outputs and outcomes as required by EPA Order 5700.7 and address the EPA Project Officer's comments on the work plan. The recipient may not draw down any funds after December 31, 2007 if the work plan is not approved by EPA by this date.

P4. The QAPP for the Navajo Superfund Program QAPP has been approved, but does not include laboratory analysis of samples for Site Screens. For Navajo Nation Superfund Program (NSP) to perform those environmental measurements, the QAPP will need to be revised and approved.

P5. The recipient shall use the following Drawdown Account numbers to track the work performed in accordance with the final work plan as approved by EPA:

PA/SI = 09ZZ QB00 (\$250,000)
SACA= 09MZ RS00 (\$20,000)

-- END OF DOCUMENT --



DR. JOE SHIRLEY, JR.
President

BEN SHELLEY
Vice President

December 14, 2007

Fareed Ali,
EPA Grants Management Specialist
Grants Management Office (PMD-7)
U.S. E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901

RE: Grant Award (#V-00934201-0 Superfund PASI Program

Dear Mr. Ali:

Enclosed is an original signed copy of a Grant Award, No. **V-00934201-0** for the amount of \$270,000.00. This grant award is to continue the Superfund PA/SI Program for fiscal year 2008, beginning October 01, 2007 and ending September 30, 2008.

If you have any questions, please contact Ms. Lavern Begay, Principal Contract Analyst, NNEPA Administration at (928) 871-6652.

Sincerely,

THE NAVAJO NATION


CORDELL SHORTEY,
Contracting Officer

CS/jp

Encl: Grant Award No. V-00934201-0

Xc: Stephen B. Etsitty, Executive Director, NNEPA Administration
Laura J. Nez, Acctg. Manager, Contract Accounting Section
Chrono/File

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